

**IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION**

Noel A. Day, *et al.*, )  
v. )  
Plaintiffs, )  
Case No.: 4:08-cv-1888 ERW  
Robinwood West Community Improvement )  
District, a political subdivision, )  
Defendant. )

## **MOTION FOR ENTRY OF JUDGMENT**

Come now Plaintiffs pursuant to FED.R.CIV.P. 58(d) and move this Court for entry of judgment in a separate document. In support they state:

1. This action commenced on December 8, 2008, with the filing of a Complaint. (Doc. # 1). On May 1, 2009, Plaintiffs filed their First Amended Complaint. (Doc. # 34).

2. The First Amended Complaint consisted of four counts. In Count I, Plaintiffs challenged R.S.Mo. § 67.1401.2(14)(c) under the Equal Protection Clause to the federal constitution. In Count II, Plaintiffs asserted the same challenge under the Missouri constitution. In Count III, Plaintiffs claimed that Defendant's application of R.S.Mo. § 67.1401.2(14)(c) violated the Equal Protection Clause of the federal constitution. In Count IV, Plaintiffs asserted the same challenge under the Missouri constitution. For relief, Plaintiffs sought declaratory judgment, preliminary and permanent injunctions, and nominal damages.

3. On November 2, 2009, this Court granted Plaintiffs' motion for summary judgment on Counts I and III of the First Amended Complaint. (Doc. # 62). On November 23, 2009, this Court granted the consent motion to dismiss Counts II and IV of the First Amended Complaint. (Doc. # 64).

4. There are no motions pending before this Court.

5. Because all claims have now been resolved, Plaintiffs respectfully request this Court enter a separate judgment and permanent injunction in accord with its earlier orders.

WHEREFORE Plaintiffs respectfully request this Court enter a separate final judgment and permanent injunction and provide to them such other and further relief as is just and proper under the circumstances.

Respectfully submitted,

/s/ Anthony E. Rothert  
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Certificate of Service

I certify that a copy of the forgoing was filed electronically with the Clerk and delivered by operation of the CM/ECF system to all counsel of record on the 7th day of December, 2009.

/s/ Anthony E. Rothert